

**REMARKS**

Claims 27-29 and 31-33 are all the claims pending in the application. Claims 27-29 stand allowed.

**I. Request for an Initialed IDS**

The Examiner indicated in the Office Action of November 6, 2002 that the Information Disclosure Statement filed June 1, 2001 (hereinafter "IDS"), fails to comply with 37 C.F.R. § 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The Examiner further indicated that the IDS has been placed in the application file, but the information referred to therein has not been considered.

Applicant asserts that the Examiner has overlooked another aspect of the requirements of the rules. More specifically, under 37 C.F.R. § 1.98(d), the copies sought by the Examiner were properly provided in the parent application in the present case as explained in the IDS submitted on June 1, 2001.

The Office Action Summary sheet (form PTO-326) indicated that IDS Paper No. 3 was attached. Applicant notes that the Examiner did not initial next to the references on the attached IDS form. Therefore, Applicant requests that, with the next Office Action, the Examiner return an initialed copy of the form PTO-1449 filed with the Information Disclosure Statement on June 1, 2001, indicating that the references therein have been considered by the Examiner. For the

Examiner's convenience, Applicant submits herewith a clean PTO-1449 for the Examiner to initial.

## II. Claim Rejections under 35 U.S.C. § 103

Claims 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujishiro (U.S. Patent No. 5,629,729) in view of Wagner et al. (U.S. Patent No. 6,152,038). To establish a *prima facie* case of obviousness the Examiner must show that the prior art references, when combined, teach or suggest all of the claim limitations. See MPEP § 2143. Applicant respectfully submits that the references cited above by the Examiner fail to teach or suggest all of the claim limitations as set forth in the present application.

Both cited references fail to teach or suggest an image receiving material transfer device. Fujishiro teaches a thermal printer in which a recording sheet 10 is fed to a thermal head 18. The thermal head 18 records a full-color image onto the recording sheet 10. See Fujishiro, col. 5:47-50. However, the coloring layers of the recording sheet 10 are not transferred to an image receiving material. Thus, Fujishiro fails to teach or suggest the need for an image receiving material transfer device. Similarly, Wagner only teaches a media from thermally recording an image. Wagner is completely silent with respect to transferring its coloring layers to an image receiving material. Therefore, Wagner also fails to teach or suggest the need for an image receiving material transfer device.

In view of the above remarks, Applicant submits that the references fail to teach or suggest all of the limitations of claims 31-33. Therefore, Applicant respectfully requests that the rejection of claims 31-33 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

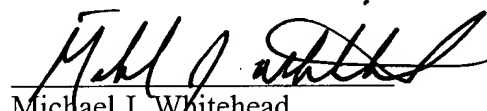
AMENDMENT UNDER 37 C.F.R. § 1.111  
Appln. No.: 09/870,654

Attorney Docket No.: Q64277

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Michael J. Whitehead  
Registration No. 48,071

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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